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| DECLARATION (Original, Design, National Stage of PCT or CIP Application) | ATTORNEY'S DOCKET NO. 33460 |
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As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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| FIREWORKS ARTILLERY SHELL |
|---------------------------|

the specification of which: (complete (a), (b) or (c) for type of application)

REGULAR OR DESIGN APPLICATION

- (a) ☒ is attached hereto.
 (b) ☐ was filed on ___ as Application Serial No. ___ and was amended on _____ (if applicable).

PCT FILED APPLICATION ENTERING NATIONAL PHASE

- (c) ☐ was described and claimed in International Application No. _____ filed _____ and as amended on _____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:
 (complete (d) or (e))

- (d) ☒ no such applications have been filed.
 (e) ☐ such applications have been filed as follows

| EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS PRIOR TO SAID APPLICATION | | | | |
|--|-----------------|----------------|---------------|--|
| Country | Application No. | Date of Filing | Date of Issue | Priority Claimed |
| | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS PRIOR TO SAID APPLICATION | | | | |
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PROVISIONAL

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States application(s) listed below:

| | | |
|------------------------|-------------|---------------------------------------|
| Application Serial No. | Filing Date | Status (patented, pending, abandoned) |
|------------------------|-------------|---------------------------------------|

CONTINUATION-IN-PART

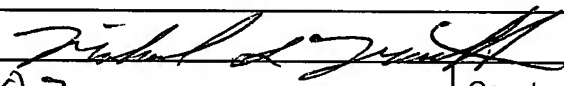
(Complete This Part Only If This Is A Continuation-In-Part Application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a), which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application:

| | | |
|------------------------|-------------|---------------------------------------|
| Application Serial No. | Filing Date | Status (patented, pending, abandoned) |
|------------------------|-------------|---------------------------------------|

| | | |
|------------------------|-------------|---------------------------------------|
| Application Serial No. | Filing Date | Status (patented, pending, abandoned) |
|------------------------|-------------|---------------------------------------|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|--|--|------------------------|---------------|
| Full name of sole or first inventor | Michael S. MARIETTA | | |
| Inventor's Signature |  | | |
| Date | 9-8-03 | Country of Citizenship | United States |
| Residence | 905 Canterbury, Pittsburg, KS 66762 | | |
| Post Office Address | 905 Canterbury, Pittsburg, KS 66762 | | |
| Full name of second joint inventor, if any | | | |
| Inventor's Signature | | | |
| Date | | Country of Citizenship | |
| Residence | | | |
| Post Office Address | | | |

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application of:)
)
MARIETTA, Michael S.)
)
Title:)
FIREWORKS ARTILLERY SHELL)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

POWER OF ATTORNEY

The Owner of the entire right, title, and interest in the above-referenced application is Jake's Fireworks, Inc. (hereinafter "Assignee"), a KANSAS corporation, with its principal place of business at 2311A West Fourth Street, Pittsburg, Kansas 66762. The undersigned, Michael Marietta, and has the authority to sign on behalf of Assignee.

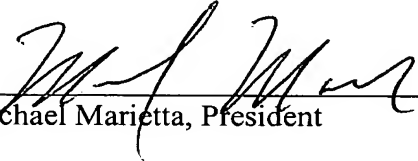
An assignment of the above-referenced application from the inventor, Michael S. MARIETTA, to Assignee is attached hereto.

Assignee hereby appoints the following individuals as its attorneys for the purpose of receiving all future correspondence in connection with said patent application and transacting all business in the United States Patent and Trademark Office with respect to said patent application:

| | | | |
|----------------------|--------|--------------------------------|---------|
| Robert D. Hovey | 19,228 | Tracey S. Truitt | 43,205 |
| Warren N. Williams | 19,156 | David V. Ayres | 46,529 |
| Stephen D. Timmons | 26,513 | Kameron D. Kelly | 44,181 |
| John M. Collins | 26,262 | Gerhard Shipley | 45,682 |
| Thomas H. Van Hoozer | 32,761 | Gregory J. Skoch | 48,267 |
| Thomas B. Luebbering | 37,874 | Leslie L. Lawson | P53,185 |
| Andrew G. Colombo | 40,565 | Jennifer C. Bailey | P52,583 |
| Scott R. Brown | 40,535 | David L. Terrell, Patent Agent | 50,576 |
| Tracy L. Bornman | 42,347 | Jason E. Gorden | 46,734 |
| | | William J. Jacob | 51,173 |

Send correspondence to Hovey Williams LLP, 2405 Grand Blvd., Suite 400, Kansas City, Missouri 64108; and direct telephone calls to (816) 474-9050.

JAKE'S FIREWORKS, INC.

By: 
Michael Marietta, President

9/8/03
DATE

(DOCKET NO. 33460)

Serial or Patent No.:

Filed or Issued:

For: FIREWORKS ARTILLERY SHELL

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐

the owner of the small business concern identified below:

☒

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Jake's Fireworks, Inc.

ADDRESS OF CONCERN 2311A West Fourth Street, Pittsburg, Kansas 66762

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled FIREWORKS ARTILLERY SHELL by inventor(s) Michael S. MARIETTA, described in X the specification filed herewith - application serial no. , filed - patent no. , issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME Michael S. Marietta
 ADDRESS #4 Deer Run Lane Pittsburg, KS 66762
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION
 FULL NAME _____
 ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

| | |
|---|--------------------|
| NAME OF PERSON SIGNING for Jake's Fireworks, Inc.: <u>Michael S. Marietta</u> | |
| TITLE OF PERSON OTHER THAN OWNER <u>President</u> | |
| ADDRESS OF PERSON SIGNING <u>#4 Deer Run Lane Pittsburg, KS 66762</u> | |
| SIGNATURE <u>Michael S. Marietta</u> | DATE <u>7/8/03</u> |